

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 20 MAR 2006

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Applicant's or agent's file reference 702973PCT	<div style="display: flex; justify-content: space-between;"> FOR FURTHER ACTION See Form PCT/IPEA/416 </div>	
International application No. PCT/CA2004/002075	International filing date (<i>day/month/year</i>) 03 December 2004 (03-12-2004)	Priority date (<i>day/month/year</i>) 05 December 2003 (05-12-2003)
International Patent Classification (IPC) or national classification and IPC IPC: E05F 11/38 (2006.01)		
Applicant INTIER AUTOMOTIVE CLOSURES INC. ET AL		
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: <div style="margin-left: 20px;"> a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <div style="margin-left: 40px;"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. 1 and the Supplemental Box. </div> </div> <div style="margin-left: 20px;"> b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). </div>		
4. This report contains indications relating to the following items: <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input checked="" type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application </div>		
Date of submission of the demand 30 June 2005 (30-06-2005)	Date of completion of this report 10 March 2006 (10-03-2006)	
Name and mailing address of the IPEA/CA Canadian Intellectual Property Office Place du Portage I, C114 - 1st Floor, Box PCT 50 Victoria Street Gatineau, Quebec K1A 0C9 Facsimile No.: 001(819)953-2476	Authorized officer <div style="text-align: right;">Hoan Huynh (819) 934-3467</div>	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CA2004/002075

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

- ☒ the international application as originally filed/furnished
- ☐ the description:
- ☒ pages 1-8 as originally filed/furnished
- ☐ pages* received by this Authority on _____
- ☐ pages* received by this Authority on _____
- ☒ the claims:
- ☒ pages Pages 9-12 (Claims 1-18) as originally filed/furnished
- ☐ pages* as amended (together with any statement) under Article 19
- ☐ pages* received by this Authority on _____
- ☐ pages* received by this Authority on _____
- ☒ the drawings:
- ☒ pages 1-10 as originally filed/furnished
- ☐ pages* received by this Authority on _____
- ☐ pages* received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	<u>3, 5, 6, 15, 16, 18</u>	YES
	Claims	<u>1, 2, 4, 7-14, 17</u>	NO
Inventive step (IS)	Claims	<u>None</u>	YES
	Claims	<u>1-18</u>	NO
Industrial applicability (IA)	Claims	<u>1-18</u>	YES
	Claims	<u>None</u>	NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: FR 1294605 (Martens) 26 May 1962
D2: EP 1455043 (Napoli et al.) 08 September 2004
D3: US 6427385 (Fin) 06 August 2002

Document D1 discloses a window raiser assembly for curved automotive windows comprising: a window carrier (27), a guide rod (32), a guide channel (84), a runner (65, 63) connected to the rod for movement between an open and close position, wherein the runner and carrier are rotatably connected to each other through bushing means (70) and translatable with respect to the rod's axis by flexibility in the runner arrangement (Figures 2-3).

Document D2 discloses a window regulator assembly comprising an interconnecting means articulated to a nut screw (24) and a driver (26) by pins (38). The assembly is characterized in that the interconnection means having a rigid connecting rod (36) articulated by pins on one side to the nut screw (24) and on the other side to the driving member (26), according to an arrangement such as to assume a variable configuration as a consequence of the change of the distance between the driving member (26) and the nut screw (24).

Document D3 discloses a window lift mechanism comprising a mounting member and one or more guides integrally formed with the mounting member. The guide having a cross-sectional shape and defines a path along which the window panel moves. A glass bar assembly is supported on the guide and is movable relative thereto along the path. The glass bar assembly includes a glass bar that supports the glass panel and a drive block that moves relative to the glass bar in a direction transverse to the guide path. A drive mechanism having a worm gear and a drive motor, is supported on the mounting member. The drive motor and the worm gear are supported by a support and a bracket, which are integrally formed with the mounting member. The worm gear is received within a threaded aperture in the drive block. The drive motor rotatingly drives the worm gear to move the glass bar assembly along the path defined by the guides. Movement between the glass bar and the drive block accommodate the curved motion of the glass bar and window panel as it is raised and lowered from the door.

Novelty (N)

Claims 1, 2, 4, 7, 8, 10-14, and 17, lack novelty under **PCT Article 33(2)** because the subject matter of these claims is not new in view of D1. These claims teach a window regulator assembly in which the runner and carrier are rotatably connected to each other about a rotational axis orthogonal to the axis of a guide rod and translatable with respect to the rod's axis. The arrangement permits nonparallel movement of the carrier with respect to the rod as the runner moves between the open and close position. All essential features of the window regulator assembly in these claims are disclosed by D1.

Claim 9 lacks novelty under **PCT Article 33(2)** because the subject matter of the claim is not new in respect of D2. The claim teaches a window regulator assembly wherein the runner and carrier are rotatably connected to one another about a rotational axis orthogonal to the axis of a guide rod, the carrier is radially movable with respect to the rod's axis. The arrangement permits movement of the window along an arcuate path as the runner moves between the open and close positions. All essential features of the window regulator assembly in the claim are disclosed by D2.

....continue on Supplemental Box page

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Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
EP1455043A2	08-09-2004	04-03-2004	07-03-2004

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claim 1 does not comply with Rule 6.1 (a) of the PCT. The claim must be clear and concise. The term "central axis" lacks antecedent.
2. Claim 4 does not comply with Rule 6.1 (a) of the PCT. The claim must be clear and concise. The term "one or the other" is ambiguous.
3. Claim 5 does not comply with Rule 6.1 (a) of the PCT. The claim must be clear and concise. The term "shaft" lacks antecedent.
4. Claim 7 does not comply with Rule 6.4 (a) of the PCT. Dependent claims must include a reference to the claims on which they depend and must be done by numbers.
5. Figures 1, 8a, 8b, 9a, 9b, and 10 do not comply with Rule 11.13 of the PCT. The figures must be well defined and of good quality such that a photographic reproduction would enable all details to be distinguished without difficulty.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

Novelty (N)

Claims 3, 5, 6, 15, 16, 18 are novel under **PCT Article 33(2)** because the subject matter of the claims is new in respect of D1. The features of a guide (claims 3 and 15), a trunnion (claims 5, 16, and 18), and a pivoting arm (claim 6) are not disclosed by D1.

Inventive Step (IS)

Claims 3 and 15 lack an inventive step under **PCT Article 33(3)** because the subject matter would have been obvious to a person skilled in the art or science to which it pertains having regard to D1 in view of D3. These claims differ from D1 in that an arcuate guide engages the carrier such that the carrier guides the window along a curved path as the runner moves. Although D1 does not specifically disclose the curved guides that engage the carrier, such arcuate guides have been taught by D3. It would have been obvious to a person skilled in the art to combine the arcuate guides of D3 with the regulator assembly of D1. There is no unexpected result in the combinations defined by these claims that would result in an inventive step.

Claims 5, 16, and 18 lack an inventive step under **PCT Article 33(3)** because the subject matter would have been obvious to a person skilled in the art or science to which it pertains having regard to D1 in view of common knowledge. These claims differ from D1 in that a trunnion connects the runner to the carrier. However, the use of trunnion in mechanical joint design is well known and would have been obvious to a person skilled in the art to combine a trunnion with the regulator assembly of D1.

Claim 6 lacks an inventive step under **PCT Article 33(3)** because the subject matter would have been obvious to a person skilled in the art or science to which it pertains having regard to D1 in view of D2. The claim differs from D1 in that a pivoting arm connects the carrier to the runner. It would have been obvious to a person skilled in the art having regard to D1 in view of D2 to combine the pivoting arm of D2 with the regulator assembly of D1.

Industrial Applicability (IA)

The subject matter of claims 1-18 is considered to be industrial applicable and thus complies with the requirement of **Article 33(4) of the PCT**.